

REMARKS

This application pertains to a novel halogen-free, easy-to-tear wrapping or winding tape.

Claims 1-3, 5-12, 14-29 and 31-33 are pending; claims 4, 13 and 30 being cancelled by this amendment.

Claims 17 and 18 have been withdrawn from consideration as drawn to non-elected subject matter, so that the claims under examination are claims 1-3, 5-12, 14-16, 19-29 and 31-33.

It is respectfully requested that upon the allowance of claims drawn to the elected subject-matter, the claims drawn to the non-elected subject-matter be rejoined.

Claims 1-9, 12, 15-18, and 20-21 stand provisionally rejected for obviousness-type double patenting over claims 1-4, 6-12, 14, 16, 18, 19, 21 and 22 of copending Application No. 10/570,776. Applicants previously submitted a Terminal Disclaimer to obviate this provisional double patenting rejection, but the Examiner found the Terminal Disclaimer defective because it recited "legal title" and the MPEP requires that a Terminal Disclaimer refers to "common ownership" of the present application and the application which was cited in the double patenting rejection. A corrected Terminal Disclaimer is submitted herewith, and it is believed that the corrected Terminal

Disclaimer obviates the provisional double patenting rejection. The rejection should therefore now be withdrawn.

Turning now to the art rejection, claims 1, 2, 4, 5, 7, 8, 13, 14, 15, 19, 20, 23, 31 and 32 stand rejected under 35 U.S.C. 102(e) as anticipated by Tachino et al. (US 2006/0057318).

Applicants have now limited their claims to a film that is blown-film extruded.

The blown film extrusion limitation may at first blush seem to be a purely procedural technical feature. This is not the case, however. The production of the film by blown film extrusion leads to a film whose properties are structurally different from films that are produced by other methods.

The blown film extrusion produces a film that can be torn down very easily in the transverse direction, and the crack continues in the transverse direction also very clean. This means a crack which does not tend to fray and does not form wavy edges by overstretching.

These outstanding features of the claimed subject matter are supported by the description.

Example 1 describes a film which is produced in a casting process. With the present amendment to claim 1, this example is outside the scope of said claim. As

shown in the example, although the product could be easily torn by hand, the crack had no preferred direction.

"The product is easy to tear off and tear in to by hand, with the crack propagating in no preferential direction"
[Page 29, lines 14 and 15 of the specification]

Due to the fact that the crack has no preferred direction the crack does not - as would be preferred in practice – tear in a straight line. The crack can change its direction involuntarily, resulting in an irregular visually unsightly crack.

In Example 2 the film is produced according to claim 1, as amended, by blown film extrusion.

The tape made by using the film of Example 2 tears with clean edges, i.e. in the transverse direction easier than in the longitudinal direction.

"... and in spite of the high width can be torn off with clean edges."
[Page 30, lines 21 and 22 of the Application]

As demonstrated, the process by which the film is made influences the structural features, so that a film can be optimized in certain properties through careful selection of the manufacturing process.

Tachino is silent with respect to blown film extrusion and especially with respect to the positive influence of blow film extrusion on the properties of the film.

Furthermore, if one reads Tachino one learns how to make bottles and other rigid

things. Tachino has absolutely no information about the production of films.

Applicants' claims cannot therefore be seen as taught or suggested by Tachino, and the rejection of claims 1, 2, 4, 5, 7, 8, 13, 14, 15, 19, 20, 23, 31 and 32 under 35 U.S.C. 102(e) as anticipated by Tachino et al. (US 2006/0057318) should now be withdrawn.

Claims 29 and 30 stand rejected under 25 U.S.C. 103(a) as obvious over Tachino. As discussed above, Applicants' claims are now limited to films produced by the blown film extrusion process, and this process imparts properties to the film that are not attained by alternative processes. There is nothing in Tachino that would teach or suggest anything about a film, and certainly nothing about the superior properties achieved by Applicants'. Accordingly, Applicants' claims cannot be seen as obvious over Tachino, and the rejection of claims 29 and 30 under 25 U.S.C. 103(a) as obvious over Tachino should now be withdrawn.

Claims 3, 22 and 25 stand rejected under 25 U.S.C. 103(a) as obvious over Tachino (US 2006/0057318) in view of Vogel et al. (US 2002/0055006). The differences between Applicants' novel winding tape and anything that could be learned from the Tachino reference have been discussed above. The Examiner turns to Vogel for a resin composition in the amount of 50%. The presence of this resin composition in the amount of 50% would not overcome the differences between Applicants winding tape and anything that could be learned from the Tachino reference however, and the rejection of claims 3, 22 and 25 under 25 U.S.C. 103(a) as obvious over Tachino (US

2006/0057318) in view of Vogel et al. (US 2002/0055006) should now be withdrawn.

Claim 6 stands rejected under 25 U.S.C. 103(a) as obvious over Tachino (US 2006/0057318) in view of Riedel (US 5,619,190). The differences between Applicants' claims and anything that can be derived from the Tachino reference have been discussed above. The Examiner relies on Riedel for a ratio of tensile strength in the machine direction of at least twice the tensile strength in the cross direction. However, no tensile strength ratio could ever compensate for the differences between Applicants' claims and anything that can be derived from the Tachino reference, as discussed above. The rejection of claim 6 under 35 U.S.C. 103(a) as obvious over Tachino (US 2006/0057318) in view of Riedel (US 5,619,190) should therefore now be withdrawn.

Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as obvious over Tachino in view of Mientus (WO 99/64239). The differences between Applicants' claims and anything that can be derived from the Tachino reference have been discussed above.

Regarding claim 10, the Examiner relies on Mientus for an acrylic pressure sensitive adhesive. No pressure-sensitive adhesive could ever overcome the differences discussed above.

Regarding claim 11, the Examiner relies on Mientus for pigmenting the film to produce a black color. No pigment or black color could ever overcome the differences discussed above however.

The rejection of claims 10 and 11 under 35 U.S.C. 103(a) as obvious over Tachino in view of Mientus (WO 99/64239) should therefore now be withdrawn.

Claim 12 stands rejected under 35 U.S.C. 103(a) as obvious over Tachino in view of Mamish et al. (US 6,355,344).

The differences between Applicants' claims and anything that can be derived from the Tachino reference have been discussed above. The Examiner relies on Mamish for a PSA adhesive film that is plasticizer-free and non-halogenated. The absence of halogenation and a plasticizer cannot possibly overcome the differences discussed above, and the rejection of claim 12 under 35 U.S.C. 103(a) as obvious over Tachino in view of Mamish et al. (US 6,355,344) should now be withdrawn.

Claims 16 and 33 stand rejected under 35 U.S.C. 103(a) as obvious over Tachino in view of Tanaka (EP 333294).

The differences between Applicants' claims and anything that can be derived from the Tachino reference have been discussed above. The Examiner relies on Tanaka for crosslinking with ionizing radiation. Merely crosslinking with ionizing radiation cannot possibly compensate for the differences discussed above, however, and the rejection of claims 16 and 13 under 35 U.S.C. 103(a) as obvious over Tachino in view of Tanaka (EP 333294) should now be withdrawn.

Claim 21 stands rejected under 35 U.S.C. 103(a) as obvious over Tachino in view of Chen (US 2007/0207332).

The differences between Applicants' claims and anything that can be derived from the Tachino reference have been discussed above. The Examiner relies on Chen for the use of an alkali metal such as sodium to neutralize a copolymer. The concept of using an alkali metal such as sodium to neutralize a copolymer cannot possibly compensate for the differences discussed above, however, and the rejection of claim 21 under 35 U.S.C. 103(a) as obvious over Tachino in view of Chen (US 2007/0207332) should now be withdrawn.

Claim 24 stands rejected under 35 U.S.C. 103(a) as obvious over Tachino in view of Sumida (US 5405565).

The differences between Applicants' claims and anything that can be derived from the Tachino reference have been discussed above. The Examiner relies on Sumida for a tensile strength in the machine direction that is at least four times what it is in the cross direction. The concept of a tensile strength in the machine direction that is at least four times what it is in the cross direction cannot possibly compensate for the differences discussed above, however, and the rejection of claim 24 under 35 U.S.C. 103(a) as obvious over Tachino in view of Sumida (US 5405565) should now be withdrawn.

Claims 9 and 28 stand rejected under 35 U.S.C. 103(a) as obvious over Tachino in view of Varela de la Rosa et al. (US 6,927,267).

The differences between Applicants' claims and anything that can be derived from the Tachino reference have been discussed above. The Examiner relies on Varela de la Rosa for a solvent free pressure sensitive adhesive dispersion adhesive. No solvent free pressure sensitive adhesive dispersion adhesive could ever overcome the differences discussed above, however, and the rejection of claims 9 and 28 under 35 U.S.C. 103(a) as obvious over Tachino in view of Varela de la Rosa et al. (US 6,927,267) should now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-3, 5-12, 14- 29 and 31-33 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicant requests that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account
No. 14-1263.

Respectfully submitted,
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